

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/834,785
Filing Date 04/13/2001
Confirmation No. 8392
Applicant Niration Network Group, L.L.C.
Inventorship Edward Hubbard, et al.
Group Art Unit 2157
Examiner Dalencourt, Yves
Attorney's Docket No. NING0008
Title: Software-based Network Attached Storage Services Hosted on Massively
Distributed Parallel Computing Networks

RENEWED PETITION UNDER 37 CFR 1.137

To: Director for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Jeffrey Valley (Tel. 509-755-7236; Fax 509-755-7252)
Sadler, Breen, Morasch & Colby, p.s.
422 W. Riverside Avenue, Suite 424
Spokane, WA 99201

Under 37 CFR 1.137(e)(1), applicant respectfully requests reconsideration of the Office's decision to dismiss the applicant's petition under 37 CFR 1.181(a) to withdraw its holding of abandonment.

In the Decision on Petition, dated October 31, 2008, the Office dismissed applicant's petition because a statement was not received from the practitioner describing the system used for recording an Office Action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.

Applicant submits that Patent Attorney Robert A. Voigt Jr., of the law firm Winstead, Sechrest & Minick, attests to the following:

1. The undersigned Attorney of Record at the time of abandonment states that the Notice of Allowance and Fee(s) Due were not received by the

practitioner at the correspondence address of record.

2. A search of the file jacket and docket records indicates that the Office's communication was not received.

3. Attached as "Exhibit B" is a docket record dated January 5, 2007 for the application in question. The docket record shows that the Notice of Abandonment was received and docketed, and confirms that the Notice of Allowance, mailed on July 25, 2006, was not received. Please note that the law firm of Winstead, Sechrest & Minick maintains individual docket records for each docketed item, and does not maintain a "Master Docket" for all its docketed items. Accordingly, "Exhibit B", the individual docket record for the application in question, is being submitted as evidence that the Notice of Allowance was not received.

4. The following is a description of the system used to record an Office Action received at the correspondence address of record with the USPTO.

All correspondence from the USPTO is received at Winstead PC's P.O. Box in Dallas, Texas by Ms. Ramie Thach. Ms. Thach has 6 years experience in docketing and has docketed all of Winstead's USPTO correspondence for the past 3 years. Once a piece of correspondence is received from the USPTO, Ms. Thach personally enters the information into "IP Master" which manages all of the firms docketing. Specifically, Ms. Thach enters the application number, attorney docket number, mailing date of the Office Action, and the due date for the response. In addition, Ms. Thach sends both weekly and monthly docketing reports to the appropriate attorneys.

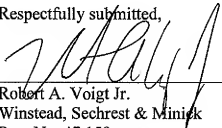
During the past 3 years that Ms. Thach has managed Winstead's docketing system she is not aware of any USPTO correspondence that has been lost or misplaced. Accordingly, the Applicant respectfully submits that Winstead's docketing system is extremely reliable.

Applicant submits that Notice of Allowance and Fee(s) due were not received by the Attorney of Record at the time of abandonment, and pursuant to MPEP 711.03(c)(1)(A) all the requirements for this Petition to Withdraw Holding of Abandonment have been met.

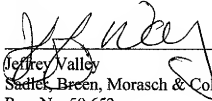
Accordingly, applicant respectfully requests that the abandonment of this application be withdrawn.

Respectfully submitted,

Date: December 19, 2008


Robert A. Voigt Jr.
Winstead, Sechrest & Minick
Reg. No. 47,159

Dated: 12/29/2008


Jeffrey Valley
Sadick, Breen, Morasch & Colby p.s.
Reg. No. 50,653
(509) 755-7236